

Public Papers of the Presidents

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HEADLINE : Statement on Signing the Advisory Council on California Indian Policy Act of 1992

BODY:

I am signing into law H.R. 2144, the "Advisory Council on California Indian Policy Act of 1992." The Council is to review the status of, and Federal policy towards, California Indian tribes.

In 1978 the Department of the Interior established the Federal Acknowledgment Process to ensure that all petitions for recognition as a federally recognized tribe would be evaluated in an objective and uniform manner. The process, developed with the support of the Indian tribes and the Congress, provides each petitioning group the opportunity for an unbiased, detailed review of its petition.

I support the Federal Acknowledgment Process for the review of all petitions for tribal recognition. It is a stated policy objective of the Administration to restore terminated tribal entities, as appropriate. I do not, however, support establishment of separate recognition procedures or policies exclusive to one State. I note that the members of the Council created under this Act are effectively selected by various California Indian tribes. Thus they are not appointed in conformity with the Appointments Clause of the Constitution, Article II, section 2, clause 2. I sign this bill on the understanding that the Council will serve only in an advisory capacity. In particular, I note that the tribal and decedency lists created by the Council may not, without further congressional action, serve as the basis for determining eligibility for Federal funds or benefits.

Finally, I am also troubled that, although the advice of the Council may influence important decisions, members and staff have been specifically exempted from any restrictions involving financial conflicts of interest. There does not appear to be any justification for this exemption. In order to protect the integrity of the Council, I direct the Secretary of the Interior, in consultation with the Director of the Office of Government Ethics, to ensure that, as a condition of appointment, members and staff of the Council agree to abide by appropriate standards of conduct set forth in S.C.F.R. 2635.

George Bush

The White House, October 14, 1992.

Note: H.R. 2144, approved October 14, was assigned Public Law No. 102-416. This statement was released by the Office of the Press Secretary on October 15.